

Secondary School Admissions Appeals – Frequently Asked Questions

1) *How do I appeal?*

For most schools in Essex, you should complete the enclosed notice of appeal form and return it to the address on the form. For some schools, you will need to deal directly with the school. Please see page 7 of the attached guidance. For schools outside the Essex County Council area, you will need to contact them directly for details.

2) *What do I need to put for my grounds of appeal?*

You must give your reasons for why you want a place at the school for your child. The School Admissions team and the Statutory Appeals team must not tell you what you need to write.

3) *What happens after I send the appeal form in?*

The Statutory Appeals team will write to you confirming the date and time for a hearing to take place, which you will be entitled to attend (unless you have asked for your appeal to be heard on your written representations only). For schools which arrange their own appeals and for schools outside Essex, you should receive correspondence directly from them.

4) *What happens at the hearing?*

In short, a representative for the school will explain why a place has been refused. You will then have the opportunity to ask questions and give your case as to why you feel a place should be provided. The independent appeal panel will consider the information provided and then make a decision as to whether a place should be offered or not, which will be sent to you in writing, ideally within 5 school days of the hearing.

Whatever the appeal panel decides is binding on the school and appellants.

5) *Where can I find more information about the process?*

Please refer to the attached Notes of Guidance for more detailed information on secondary school appeals.

Admission Appeals - Notes of Guidance for Secondary School Appeals

The following information has been provided to give parents a brief overview of the Admission Appeals Process, together with some more specific notes designed to help parents in completing the Notice of Appeal Form attached at Appendix 1.

If your child has been refused a place at your preferred school by an Admission Authority you have the statutory right as a parent/guardian to appeal to an Independent Appeal Panel. Your full rights are set out in the School Standards and Framework Act 1998 and associated Codes of Practice. An 'Admission Authority' is the body that is responsible for the admission of pupils to a school. In the case of foundation schools, voluntary aided schools and Academies it is the governing body or Academy Trust of the individual school, whereas for all community and voluntary controlled schools in Essex it is Essex County Council.

Please note that you may only appeal for your child to be admitted to a particular school if you have submitted a formal application for a place at that School and you have received a letter confirming that your child has been refused a place. Otherwise your appeal will not be valid.

What is an Independent Appeal Panel?

The role of the Panel is quite specific as it may only consider the case put forward by the Admission Authority for refusing to admit a child and the parents' case for wanting your child to be admitted to the preferred School in question. The Panel can either refuse or allow your appeal. It has no other powers. The Panel's decision is binding on the School, Admission Authority and the appellant. It is made up of three people who have no connection with the school, the Admission Authority, the admission process, or the parents.

The Appeal Hearing and the Decision

All appeals are determined by a Panel at a meeting called a 'hearing'. The hearing will take place during the daytime at an independent venue.

You are encouraged to attend the hearing to put your case for wanting your child to be admitted to the School. In practice you will have the opportunity to expand on your written grounds for appeal and why your child should be admitted despite the year group being full (or the particular circumstances in which a School may refuse a place when the year group is not full). It is recognised that parents may find attending an appeal hearing a worrying experience. There are formal procedures that must be followed for the hearing. However, Panel Members do understand the stressful position that appellants may experience in putting their child's case, and will try to conduct the hearing as informally as possible so that the child's case can be explored fully.

If you choose not to attend the hearing, your child's case will be based solely on the written grounds of appeal that you set out in your appeal form. If you indicate that you will attend the hearing, but fail to do so without a reasonable explanation, the Panel is likely to hear the case in your absence based on the written grounds of your appeal. Hearings are only adjourned in exceptional circumstances.

The hearing will be in two main parts. The first part will focus on the Admission Authority putting its case for refusing admission to the School, and then the Panel and you (or your representative) may ask questions about that case for refusal. The second part will focus upon you presenting your child's case, and then being asked questions by the Panel and the Admission Authority. Both parties are then given the opportunity to summarise their cases.

Sometimes there may be several appeals for a popular school, and the hearing format will be slightly different. The Admission Authority will present its case to all the parents at the same time. At this 'group presentation' no questions about an individual child's case will be allowed as such questions will be addressed at that child's hearing. However, Panel Members and parents will be able to ask the Admission Authority about its case. The individual hearings will be arranged separately either a few days later if there is an evening presentation, or later the same day if it is a day presentation.

When the hearing has been completed, both the Admission Authority representative and you will be asked to leave before the Panel determines your appeal. **A decision will not be communicated on the day of the hearing.** Once the Panel has reached its decision, it will be sent to you, the Admission Authority, and the School, ideally within 5 school days of the hearing. This decision is legally binding on all parties. Where there are a large number of appeals held over several days, you will not receive a decision until all the individual cases have been heard. The 5 school days applies from the date of the last appeal heard.

The Panel decision will be taken in two stages. At the first stage, it must be satisfied that the Admissions Policy of the School has been applied correctly and that the admission of a further pupil or pupils to the School would result in prejudice to the efficient education or the efficient use of resources. If the Admission Authority's case has been considered at a group presentation the Panel will reach a provisional view at that point before hearing all the individual cases.

If the Panel decides that the Admission Authority has not made out a case for prejudice it can do two things. In the case of an individual sole appeal for a school it must uphold the appeal. For multiple appeals for the same school it must decide, if applicable, at what number of admitted pupils such prejudice would arise and then it must consider the admission criteria and other factors and admit children from those appealing up to that number. Only then will the Panel carry out the second stage of the process.

If the Panel is satisfied that any further admission would result in prejudice then it will proceed to the second stage of the decision process. It must balance the prejudice to the School identified at the first stage against the reasons for the individual parent's preference. The Panel must decide whether the parents' case for their child to attend the school outweighs the prejudice caused by admitting an additional pupil.

How to Appeal

To help you in identifying where you should send your completed Notice of Appeal Form please refer to the list of all the Essex secondary schools at Appendix 2 setting out briefly how to appeal for each one, the timescales for the submission of your appeal and whether or not you can use the enclosed form.

If you wish to appeal against the refusal of a place at a community or voluntary controlled school you should use the enclosed 'Notice of Appeal Form' and send it to the address on the form **to arrive no later than 20 school days after the date of your refusal letter. In the case of normal admission round appeals (i.e. Year 7 starting in September) if your appeal is received later than this date it may not be heard before the end of the summer term***. If it is for a mid term transfer appeal you are advised to return the form as soon as possible, ideally within 20 school days after the date of your refusal letter. If you are appealing for more than one school, please copy the form and submit individual forms for **each** school.

If you wish to appeal against the refusal of a place at a foundation or voluntary aided school or an Academy you should generally contact the school. However, some of those schools have chosen to buy into the Statutory Appeals Service and in these cases you can use the enclosed 'Notice of Appeal Form', and return it to the address given on the form **to arrive no later than 20 school days after the date of your refusal letter. In the case of normal admission round appeals (i.e. Year 7 starting in September) if your appeal is received later than this date it may not be heard before the end of the summer term.** If it is for a mid term transfer appeal you are advised to return the form as soon as possible, ideally within 20 school days after the date of your refusal letter.

Appeals are not usually held during school holiday periods.

Finally if you wish to appeal against the refusal of a place at a school in another Council area outside of Essex County Council boundaries you should contact that Council in the first instance.

Further Information

If you wish to find out any more detailed information on the appeals process, please refer to the School Admission Appeals Code (February 2012 edition) which is available on the Department for Education website - www.education.gov.uk. The Code contains information on the statutory requirements that underpin the appeals process, which you may find helpful in lodging your appeal.

Statutory Appeals Officer
PO Box 11, Chelmsford, Essex, CM1 1LX
Telephone Number: 01245 430447
Fax Number: 01245 430686

DO NOT FAX APPEAL FORMS TO THIS NUMBER AS THE FORM IS A LEGAL DOCUMENT AND THE STATUTORY APPEALS OFFICE REQUIRE THE ORIGINAL DOCUMENT, SIGNED AND DATED.

Email: Statutoryappeals@essex.gov.uk (For enquiries only)

PLEASE NOTE:

Parents who have appealed unsuccessfully can reapply for a place at the same school in respect of a later academic year and have a further right of appeal if that application is unsuccessful.

Parents do not have a right to a second appeal in respect of the same school and the same academic year, except in the following circumstances:

- a) The Admission Authority agrees to arrange a second appeal because there were faults in the first appeal which may have significantly affected the outcome e.g. the appeals process was not properly conducted or significant evidence which had been submitted was not forwarded to the Panel (this may be on the recommendation of the Local Government Ombudsman or the Education Funding Agency or because the Admission Authority decides to do so on its own initiative); or
- b) The Admission Authority accepted a further application because of a significant and material change in the circumstances of the parent, child or school, but has determined that the new application should also be refused. For example is where the Admission Authority may wish to consider a fresh application due to changes in circumstances since the original application was made (for instance medical reasons, the family has moved house, or any other factor which would affect the level of priority given to the application).

Appendix 1

Notes on Completing the Notice of Appeal Form

The following notes correspond with the 'Note' numbers indicated on the Notice of Appeal Form and will assist you in completing the form:

Note 1 – School for which you are appealing

Please identify the school you are appealing for. If you intend to appeal for more than one school, you must use a separate form for each school.

Note 2 – Term in which you wish your child to start school

Please identify the term that you wish your child to start school.

Note 3 – Home Address

It is essential that you insert your correct current address to ensure that all the necessary paperwork on your appeal can be sent to you. If you are moving house during the course of the appeal process, please keep the Clerk informed so that all correspondence can be addressed to your current home to avoid any confusion and delay.

If you are moving to a new home and are appealing for a new school, please set out this information in the section on 'Grounds for appeal'.

Note 4 – Representation

As explained above all appeals are determined by a Panel at a hearing. You have a choice in the way that your case is submitted to the Panel. Please ensure that you complete all the boxes in this section to avoid delays in your case being determined by a Panel.

In addition to submitting your appeal form you have the right to attend your appeal hearing and present your case to the Appeal Panel. It is strongly advised that you attend the hearing because it will assist the Panel to gain a better understanding of your case. By attending you will have the opportunity to expand on your own reasons for wanting your child to attend the particular school, and the Panel will be able to seek any additional information from you that will help to inform its decision on your appeal.

If you are unable to attend a hearing or do not wish to do so, you may agree to your appeal being considered on the basis of your written representations. This means that the Panel will consider the information set out in your appeal form together with any additional information you may submit to reinforce your grounds for appeal. The Admission Authority will still attend the hearing and present its case to the Panel. If you choose this option you will not be informed of the appeal date. Nevertheless it will be considered by a Panel at the earliest possible opportunity.

If you have concerns about putting your case in person and do not want to rely on your written representations, you may elect for a friend or representative to put your case on your behalf, or ask that he or she accompany you to the hearing. Please indicate in the box provided the name and contact details of that person so that all the relevant information relating to the appeal may be sent to them. If your chosen representative is acting in a legal capacity please confirm that fact on the form.

Your choice of representative may include be a Choice Advisor, a locally elected politician, or an employee of the Local Authority such as an educational social worker, SEN advisor or learning mentor, provided that this will not lead to a conflict of interest. It must not be an employee of the School or a member of the Admission Authority concerned.

(NB: If your representative is acting in a legal capacity, you are responsible for any costs incurred for such representation. Also if you choose to be legally represented then the Admission Authority may also have a legal representative.)

Please note that if you request the services of an interpreter at your appeal but then do not attend the appeal without good reason, the Statutory Appeals Office reserves the right to charge you for the cost to it of the interpreter attending that hearing.

Note 5 - Grounds of Appeal

The law requires that an appeal is made in writing, and it is important to bear in mind when completing this section that the evidence you provide to support your case will be very important as the Panel will use the information to come to a decision on your particular appeal. If you fail to complete this section, your form will be returned to you for completion before it can be accepted as a valid appeal and arrangements made for your case to be heard by a Panel.

Under the grounds of appeal it is your opportunity to explain in some detail the reasons why your child should attend your preferred school despite the fact that a year group may be full. Please remember that the Panel will not be familiar with the particular circumstances of your child and therefore you need to set out any information that you feel may be relevant to support your case. If you identify any reasons for having a preference for a particular school that can be supported by written evidence, please enclose a copy of that evidence with the appeal form as it may reinforce your argument. On a general note, if you have identified a medical condition or experience of bullying as important factors for wanting your child to be admitted to your preferred school and have any written evidence to support your case, it would be preferable for you to submit it before the appeal hearing. The type of evidence that a Panel may find helpful will include:

- Doctors' letters and evidence of appointments;
- any details and correspondence about particular bullying problems and any action taken to try to resolve them; and
- written evidence of any Police involvement.

If you have attached additional pages, please ensure that all information is on A4 size paper.

Please note that without written reasons your appeal cannot be processed. Therefore, failure to complete the 'Grounds of Appeal' section will result in the form being returned to you.